



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,146	09/19/2003	Martin Eichlseder	EICHLSEDER-5	8722
20151 7590 09/21/2007 HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			EXAMINER KOCH, GEORGE R	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/667,146	Applicant(s) EICHLSEDER, MARTIN	
	Examiner George R. Koch III	Art Unit 1734	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/5/2007 have been fully considered but they are not persuasive.
2. Applicant's representative argues that the rejection is does not comply with MPEP 706.02(j), since there are no citations. This is unpersuasive. The first line of the rejection contains a citation to paragraph 0005 of applicant's own specification, which describes the reference in question.

Additionally, the reference in question has the same inventor (Eichlseder). It is presumed that applicant fully understands his own reference and does not need the USPTO to explain his reference. In any event, repeated recitations to paragraph 0005 of applicant's own specification describing the WO 01/63605 A1 have been added for applicant's convenience.

Furthermore, the response makes clear that applicant's representative understands the rejection. The requirement of MPEP 702.02(j) has been met.

3. Applicant argues that the gripper arms cannot be modified. Examiner disagrees for the reasons substantially below. Applicant's invention is essentially the teachings of the Eichlseder reference, with modifications to the arrangement of parts. This is considered to be within the ordinary skill of one in the art.

Art Unit: 1734

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 9-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichlsleder (WO 01/63605 A1 - described in the instant specification, paragraph 0005) and Kempf '068 (US 5,612,068).

As to claim 9, and as described in paragraph 0005, Eichlsleder discloses an apparatus for making bonded discs of two substrates, in particular for making optical data carriers such as DVD, UDO disc or blueray disc, comprising: an adhesive application station for coating at least one of the substrates with an adhesive; a plurality of processing stations, disposed downstream of the adhesive application station, for further handling the substrates, said processing stations arranged about a circle and including a transfer station for placing the substrates in a standby position for further processing, at least one joining station (called a joining station in paragraph 0005) for joining and bonding the substrates to produce a finished disc, at least one quality inspection station for checking the disc for acceptance or rejection (see paragraph 0005 which discloses a "quality inspection" by "a scanner"), a first delivery station for receiving the disc, when the disc is acceptable (called a "good-item spindle", and a second delivery station for receiving the disc, when the disc is unacceptable (called a "bad item spindle");

Eichlsleder does not disclose a central handling system in the form of a carousel which includes a plurality of gripper arms and is constructed to move the gripper arms in horizontal and/or vertical direction into a number of indexing positions, wherein a first type of the gripper arms has two gripper elements arranged behind one another in radial direction so as to enable the

Art Unit: 1734

gripper elements to sweep over two concentric circles of different diameter, when the gripper arms are moved in circumferential direction.

However, Kempf '068 discloses a number of handling systems in the form of a carousel which includes a plurality of gripper arms and is constructed to move the gripper arms in horizontal and/or vertical direction into a number of indexing positions, wherein a first type of the gripper arms has two gripper elements (see, for example, items 18' and 29). While Kempf '068 does not disclose the "concentric circle" setup, Kempf does disclose manipulators which are used for gripping two substrates side by side at the same time, using a cross or t-bar set-up. Kempf '068 discloses that using such double gripper manipulators allows for processing of different substrates (column 4, lines 7-11). Furthermore, rearrangement of parts is considered obvious. MPEP 2144.04 VI. C. Rearrangement of the gripping mechanisms from the t-bar set-up of Kempf to the claimed radially arranged grippers of the instant invention is considered an obvious rearrangement of parts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a gripper orientation as an obvious rearrangement of the orientation of Kempf '068.

As to claim 10, Eichlsleder discloses the concept of one of the transfer stations (item 19) being adapted to receive the substrates behind one another (by walking beam 12). When combined with Kempf '068 and the obvious rearrangement of parts discussed above (see claim 9), it is also obvious to receive the substrate in the radial direction so that the substrates are lined up along a straight line which intersects a rotation axis of the carousel at a right angle.

As to claim 11, Kempf '068 discloses that the two gripper elements of the first type of gripper arms have a distance from another to allow a simultaneous grabbing of the substrates.

Art Unit: 1734

As to claim 14, Eichlsleder discloses a second said joining station, each of the joining stations including two halves which are provided for receiving the substrates and configured to unfold into an open position and fold together into a closed position, wherein the joining stations are so positioned that their halves extend behind one another, when the halves assume the open position, (see paragraph 0005 of the instant application, which discusses the joining stations; see also the figures). With respect to the particular arrangement, having with one half situated on an inner one of the two concentric circles and the other half situated on an outer one of the two concentric circles, this is also obvious based on rearrangement of parts (discussed in claim 9 above).

As to claim 15, the apparatus of Eichlsleder and Kempf '068 is considered capable of halting the carousel so that the first and second gripper arms are positioned into indexing positions between the processing stations.

6. Claims 12, 13, 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichlsleder and Kempf '068 as applied to claims 9-11 and 14-15 above, and further in view of Kempf '029 (US 6,054,029).

As to claims 12 and 13, Eichlsleder and Kempf '068 only make obvious a single type of gripper arm.

However, Kempf '029 suggests a central carousel with 3 different types of gripper arms. One gripper arm (item 13''') has multiple grippers (see abstract, column 3). A second type of gripper arm, roughly analogous to the gripper arm of claim 12, includes a single gripper element. Kempf '029 utilizes multiple gripper arms in order to shift multiple substrates from processor

Art Unit: 1734

station to processor station. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a carousel with multiple types of grippers in order to shift the substrates from multiple processor stations.

As to claim 13, official notice is taken that the use of a third type of gripper arms constructed for telescopic movement in radial direction is well known and conventional. Adding telescopic movement would permit for more accurate placement of the substrate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such telescopic movement in order to permit more accurate placement of the substrate.

As to claims 16-18, Kempf '029 discloses that the gripper arms are spaced apart, and that the carousel moves the arms in clockwise and counterclockwise direction. Kempf '029 also spaces the stations around the carousel. However, Kempf '029 does not disclose the claims angles for the spacing of the gripper arms, the movement of the carousel, or the position of the processing stations. However, it is considered obvious to one of ordinary skill in the art to use the specific angle combinations. Such arrangements are obvious under known legal rationales. For example, all of the stations are disclosed in the prior art (see the rejection of claim 9 above), and the arrangement of these stations into the claimed pattern is considered an obvious rearrangement of parts under MPEP 2144.04 VI. C. Similarly, the spacing of the gripper arms and the angle of movement are directly related to the position and angular distribution of the stations, and are an obvious rearrangement of parts for the same reason.

Furthermore, as to claim 19, the specifics of position of the known and disclosed elements is also an obvious rearrangement of parts.

Art Unit: 1734

As to claim 21, the carousel of Kempf '029 as incorporated is constructed to move the gripper arms in horizontal direction and separately thereto in vertical direction (see column 6, lines 16-48, which discloses the separate vertical direction).

7. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichlsleder and Kempf '068 as applied to claims 9-11 and 14-15 above, and further in view of Kotoyori (US 6,228,203)

Eichlsleder merely disclose one linear guide or walking beam. Kempf '068 discloses multiple substrates, but not multiple sources. However, multiple sources are known.

Kotoyori discloses using a first linear guide for advancing the substrates to the transfer station (slider 2), and a second linear guide (slider 3) arranged in roughly parallel relationship to the first linear guide for supply of spacers or uncoated substrates to the central handling system. One in the art would appreciate that such multiple guides would permit for the use of different types of substrates, rather than identical substrates, for the top and bottom sides, such as those with different colors. Furthermore, one would appreciate that it would be an obvious rearrangement of parts to make the guides strictly parallel. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the multiple guides of Kotoyori with the apparatus of Eichlsleder and Kempf '068 in order to provide multiple supplies of different substrates for processing.

### ***Conclusion***



Art Unit: 1734

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can also be reached by E-mail at [george.koch@uspto.gov](mailto:george.koch@uspto.gov) in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George R. Koch III  
Primary Examiner  
Art Unit 1734

GRK  
9/17/2007